

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

27053

FILE: B-213802

DATE: December 19, 1983

MATTER OF: Food Service, Inc.

**DIGEST:**

GAO does not consider small business size status since by law conclusive authority over the matter is vested in the Small Business Administration.

Food Service, Inc. (FSI), protests award to Industrial Maintenance, Inc. (IMI), of a contract under solicitation No. F3260584R0002 issued for food service at Grand Forks AFB, North Dakota.

We dismiss the protest without obtaining a report from the contracting agency, in accordance with section 21.3(g) of our Bid Protest Procedures, 4 C.F.R. § 21.3(g), as amended January 17, 1983, 48 Fed. Reg. 1931 (1983), since the protest shows that it concerns a matter under the conclusive jurisdiction of another agency.

FSI contends that IMI has falsely represented its small size status. FSI requests, therefore, that the contract with IMI be terminated and be reawarded.

Under 15 U.S.C. § 637(b)(6), the Small Business Administration has conclusive authority to determine matters of small business size status for federal procurement purposes. Therefore, our Office does not consider size status protests. See Bid Protest Procedures, 4 C.F.R. § 21.3(g)(2), added by 48 Fed. Reg. 1932 (1983); Crawford Technical Services, Inc., B-212810, September 20, 1983, 83-2 CPD 351.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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